

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MORGAN STANLEY,

Plaintiff,

v.

JOSEPH F. "CHIP" SKOWRON III,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/23/14

No. 1:12-cv-08016 (SAS) (GWG)

ECF Case

**ORDER DISMISSING COUNTS TWO,
THREE AND FOUR OF THE
COMPLAINT WITH PREJUDICE
AND ENTERING FINAL JUDGMENT
IN THE AMOUNT OF \$24,646,555.76
IN FAVOR OF MORGAN STANLEY
AS TO COUNT ONE**

WHEREAS, on October 31, 2012, Plaintiff, Morgan Stanley ("Morgan Stanley"), filed the Complaint (the "Complaint") in this action against Defendant, Joseph F. "Chip" Skowron III ("Skowron"), asserting the following five counts: (1) Count One under the faithless-servant doctrine; (2) Count Two for breach of fiduciary duty; (3) Count Three for fraud; (4) Count Four for breach of contract; and (5) Count Five for contribution; and

WHEREAS, by Opinion and Order dated July 23, 2013, the Court dismissed Count Five of the Complaint; and

WHEREAS, by Opinion and Order dated December 19, 2013 (the "December 19th Order"), the Court granted Morgan Stanley's partial motion for summary judgment on Count One of the Complaint for summary judgment and awarded Morgan Stanley damages in the amount of \$31,067,356.76, as offset by restitution; and

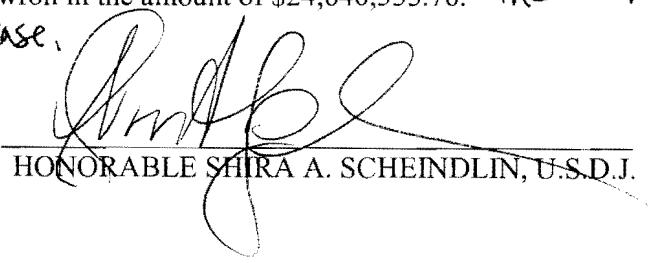
WHEREAS, the amount of compensation repaid by Skowron as restitution in his criminal proceeding totaled \$6,420,801, thereby making Morgan Stanley's net damages award on Count One \$24,646,555.76; and

WHEREAS, by letter dated January 22, 2014, Morgan Stanley voluntarily withdrew Counts Two, Three and Four of the Complaint in accordance with Federal Rule of Civil Procedure 41(a)(2), thereby resolving all remaining claims in this action as to all parties;

IT IS on this 23 day of January, 2014,

ORDERED, ADJUDGED AND DECREED that Counts Two, Three and Four of the Complaint be and hereby are dismissed with prejudice and without costs to either party; and it is further

ORDER, ADJUDGED AND DECREED that final judgment be and hereby is entered in favor of Morgan Stanley and against Skowron in the amount of \$24,646,555.76. *The clerk of Court is directed to close this case.*


HONORABLE SHIRA A. SCHEINDLIN, U.S.D.J.